

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201805845	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/10/2018 1:30 PM	Location of Incident: § 87(2)(b) 61st Precinct stationhouse	Precinct: 61	18 Mo. SOL 1/10/2020	EO SOL 1/10/2020	
Date/Time CV Reported Wed, 07/18/2018 8:18 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 07/18/2018 8:18 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Scot Kashinsky	6816	947120	066 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Christophe Burton	417	944399	061 DET
2. SGT Alfred Spearman	05411	926366	061 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Scot Kashinsky	Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, Detective Scot Kashinsky used a chokehold against § 87(2)(b)	§ 87(2)(b)
B.DT3 Scot Kashinsky	Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, Detective Scot Kashinsky restricted § 87(2)(b)'s breathing.	§ 87(2)(b)
C.DT3 Scot Kashinsky	Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, Detective Scot Kashinsky used physical force against § 87(2)(b)	§ 87(2)(b)
D.DT3 Scot Kashinsky	Discourtesy: At § 87(2)(b) § 87(2)(b) in Brooklyn, Detective Scot Kashinsky spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.DT3 Scot Kashinsky	Force: In front of § 87(2)(b) in Brooklyn, Detective Scot Kashinsky used physical force against § 87(2)(b)	§ 87(2)(b)
F.DT3 Scot Kashinsky	Off. Language: In front of the 61st Precinct stationhouse in Brooklyn, Detective Scot Kashinsky made remarks to § 87(2)(b) based upon gender.	§ 87(2)(b)
G.DT3 Scot Kashinsky	Force: In front of the 61st Precinct stationhouse in Brooklyn, Detective Scot Kashinsky used physical force against § 87(2)(b)	§ 87(2)(b)
H.DT3 Scot Kashinsky	Force: In front of the 61st Precinct stationhouse in Brooklyn, Detective Scot Kashinsky used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On July 18, 2018, § 87(2)(b) contacted the CCRB via phone and filed this complaint. On July 27, 2018, a duplicate of this complaint was received from IAB, which was filed by § 87(2)(b) on July 13, 2018. On August 13, 2018, the complaint was closed as complainant uncooperative. On March 29, 2019, the case was re-opened as per § 87(2)(b)'s written request.

This case was initially assigned to former Supervising Investigator Samuel Ross. The case was re-assigned to Investigator Olga Bentin on April 1, 2019.

On July 10, 2018, at approximately 1:30 p.m., Det. Scot Kashinsky and Det. Christopher Burton, of the 61st Precinct Detective Squad, arrested § 87(2)(b) at § 87(2)(b) in Brooklyn. Det. Kashinsky allegedly placed § 87(2)(b) in a chokehold (**Allegation A: Force,** § 87(2)(g) restricted her breathing (**Allegation B: Force,** § 87(2)(g) and grabbed the left side of § 87(2)(b)'s ribcage (**Force: Allegation C,** § 87(2)(g) § 87(2)(b) complained to Det. Kashinsky and he allegedly replied, "Shut the fuck up" (**Allegation D: Discourtesy,** § 87(2)(g) and allegedly pushed § 87(2)(b) face forward against a closet (**Allegation C continued**).

§ 87(2)(b) was handcuffed and escorted out of her apartment and to an unmarked vehicle. § 87(2)(b) complained to Det. Kashinsky and Det. Kashinsky allegedly repeated, "Shut the fuck up" (**Allegation D continued**). Det. Kashinsky allegedly pushed § 87(2)(b) as she entered the unmarked vehicle (**Allegation G: Force,** § 87(2)(g) § 87(2)(b) told Det. Kashinsky that he should not have pushed her and Det. Kashinsky replied, "Shut the fuck up. Shut the fuck up" (**Allegation D continued**). § 87(2)(b) was transported to the 61st Precinct stationhouse.

Outside of the 61st Precinct stationhouse, § 87(2)(b) asked Det. Kashinsky and Det. Burton for a female officer to escort her. Det. Kashinsky allegedly replied, "No, bitch, you are not getting what you are asking for" (**Allegation F: Offensive Language,** § 87(2)(g) Det. Kashinsky then allegedly grabbed § 87(2)(b) by her shoulder and the left side of her ribcage and pulled § 87(2)(b) out of the vehicle causing her to fly out, stumble, and hit her back against a fence (**Allegation G: Force,** § 87(2)(g) § 87(2)(b) landed onto her buttocks. Det. Kashinsky lifted § 87(2)(b) off the ground and allegedly threw her into a nearby parked police vehicle (**Allegation H: Force,** § 87(2)(g).

§ 87(2)(b) was arrested for robbery in the third degree, assault in the second degree, assault with intent to cause physical injury, and resisting arrest (BR 02).

§ 87(2)(b), § 87(2)(a) CVR § 50-b

There is no video evidence of the incident that occurred at § 87(2)(b). IAB provided the investigation with several video recordings, one of which partially captured the incident in front of the stationhouse.

Findings and Recommendations

Allegation (A) Force: At § 87(2)(b) § 87(2)(b) **in Brooklyn, Detective Scot Kashinsky used a chokehold against** § 87(2)(b)

Allegation (B) Force: At § 87(2)(b) § 87(2)(b) **in Brooklyn, Detective Scot Kashinsky restricted** § 87(2)(b) **s breathing.**

vehicle, Det. Kashinsky placed both hands on § 87(2)(b)'s lower back and pushed her in to the vehicle. § 87(2)(b) was not injured as a result. § 87(2)(b) told Det. Kashinsky that he should not have pushed her. Det. Kashinsky replied, "Shut the fuck up. Shut the fuck up."

§ 87(2)(b)'s FDNY Prehospital Care Report (BR 04) documents that EMS first encountered § 87(2)(b) while she was sitting in a jail cell at the 61st Precinct stationhouse. § 87(2)(b) told EMS that officers were "too rough" with her and that she was experiencing pain to both rib areas.

According to § 87(2)(b)'s medical records from § 87(2)(b) Hospital (BR 03), she was brought to the hospital on § 87(2)(b), while in the police custody. § 87(2)(b) complained of lower leg pain and left lower abdomen pain, which she alleged started after an officer "beat her up." A CT-scan of § 87(2)(b)'s abdomen/pelvis was performed and revealed no evidence of acute abdominal and/or pelvic pathology. An x-ray of § 87(2)(b)'s left rib was performed and it was negative for acute fractures.

There is no video evidence of this portion of the incident.

Det. Kashinsky (BR 05) testified that Det. Burton was assigned to investigate § 87(2)(b)'s complaint. On July 10, 2018, at approximately 12:00 p.m., Det. Burton interviewed § 87(2)(b) at the 61st Precinct stationhouse regarding his complaint. § 87(2)(b) alleged injury to his foot and provided photographic evidence. Det. Burton and Det. Kashinsky went to § 87(2)(b) to have § 87(2)(b) identify § 87(2)(b). § 87(2)(b) walked the detectives to § 87(2)(b)'s apartment. Det. Kashinsky knocked on § 87(2)(b)'s front door. § 87(2)(b) opened the door. Det. Kashinsky introduced himself and Det. Burton and told § 87(2)(b) that they wanted to speak to her regarding the incident that transpired on July 9, 2018. § 87(2)(b) pointed at § 87(2)(b) and said, "Yes, it's her," positively identifying her as the female who assaulted him. § 87(2)(b) stepped out into the hallway, walked towards § 87(2)(b) and they began to argue. It appeared that § 87(2)(b) and § 87(2)(b) had ongoing issues and knew each other. Det. Kashinsky asked § 87(2)(b) if they could step into her apartment to speak to her regarding the matter to break up the argument and deescalate the situation. § 87(2)(b) agreed and said, "Come inside please." § 87(2)(b) walked into the apartment, and Det. Kashinsky and Det. Burton followed her. § 87(2)(b) led the detectives to the living room, which was down a narrow hallway and across the front door. Det. Kashinsky did not remember if § 87(2)(b) offered to show them any documents.

Det. Kashinsky explained to § 87(2)(b) that § 87(2)(b) filed a complaint against her and that they were going to arrest her. He told § 87(2)(b) she could change clothes into something more comfortable. § 87(2)(b) refused and became agitated by yelling and cursing, and saying that she was not going to the stationhouse. Det. Kashinsky asked § 87(2)(b) to turn around and place her hands behind her back, but she refused. Det. Kashinsky then approached § 87(2)(b) and grabbed her left or right wrist. Det. Burton also approached § 87(2)(b) and grabbed her other wrist. They attempted to place § 87(2)(b)'s hands behind her back, but she pulled away and flailed her arms moving them away from the detectives. Det. Kashinsky and Det. Burton did not release § 87(2)(b)'s wrists and managed to place her hands behind her back and handcuffed her. Det. Kashinsky denied using any other force against § 87(2)(b) to gain her compliance and handcuff her aside from grabbing § 87(2)(b)'s wrists and placing them behind her back. Det. Kashinsky and Det. Burton took § 87(2)(b) by her upper arms and walked her out of the apartment. § 87(2)(b) continued cursing at the detectives and moving her body side-to-side, making it difficult for them to walk her. Det. Kashinsky placed § 87(2)(b) in the rear passenger seat of their unmarked sedan without

incident. Det. Kashinsky denied using any force to place § 87(2)(b) inside the vehicle and he denied that § 87(2)(b) resisted being placed inside the vehicle. Det. Kashinsky denied using any of the above alleged force against § 87(2)(b) while effecting her arrest. Det. Kashinsky denied saying “shut the fuck up” to § 87(2)(b) or using any profanities toward her at any point during the incident.

Det. Kashinsky prepared a Threat, Resistance, and Injury Report (hereon TRI) (BR 07) regarding the incident that occurred in front of the 61st Precinct stationhouse. The report does not discuss the incident that occurred in § 87(2)(b)'s apartment.

Det. Burton (BR 06) provided a generally consistent testimony with that of Det. Kashinsky, with the following exceptions. Det. Burton stated that § 87(2)(b) was not happy when Det. Kashinsky informed her that she was going to be arrested, but could not describe § 87(2)(b)'s demeanor aside from her verbally protesting the arrest. Det. Burton did not recall how Det. Kashinsky placed § 87(2)(b) in handcuffs, but § 87(2)(b) was compliant and did not actively resist Det. Kashinsky. Det. Burton and Det. Kashinsky escorted her outside and placed her in their vehicle without incident. Det. Burton denied seeing Det. Kashinsky using any of the above alleged force against § 87(2)(b) or telling her to “shut the fuck up.”

Det. Burton also prepared a TRI report (BR 09) for the incident that occurred in front of the 61st Precinct stationhouse. The report does not discuss the incident that occurred in § 87(2)(b)'s apartment.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation (F) Offensive Language: In front of the 61st Precinct stationhouse in Brooklyn, Detective Scot Kashinsky made remarks to § 87(2)(b) based upon gender.

Allegation (G) Force: In front of the 61st Precinct stationhouse in Brooklyn, Detective Scot Kashinsky used physical force against § 87(2)(b)

Allegation (H): In front of the 61st Precinct stationhouse in Brooklyn, Detective Scot Kashinsky used physical force against § 87(2)(b)

§ 87(2)(b) (BR 01) stated that Det. Kashinsky parked at the rear of the stationhouse. § 87(2)(b) asked for a female officer to escort her. Det. Kashinsky yelled at § 87(2)(b) something to the effect of, “No, bitch, you are not getting what you are asking for.” Det. Kashinsky opened the rear car door, grabbed § 87(2)(b) by her left shoulder and the left side of her ribcage, and pulled § 87(2)(b) out of the vehicle, causing pain to her ribs. § 87(2)(b) told Det. Kashinsky to get off her while she tried to get out of the vehicle on her own. § 87(2)(b) denied physically resisting. Det. Kashinsky did not release § 87(2)(b) and pulled § 87(2)(b) out of the vehicle causing her to fly out of the vehicle, stumble, and hit her back against a fence. § 87(2)(b) landed on her buttocks. A female lieutenant and several other officers exited the stationhouse. Det. Kashinsky walked up to § 87(2)(b) and attempted to lift her up. § 87(2)(b) yelled, “Get the fuck off me...He is trying to kill me. He threw me out of the car.” The lieutenant told Det. Kashinsky, “She [referring to § 87(2)(b)] is trying to bite you.” § 87(2)(b) denied attempting to bite Det. Kashinsky and said that, at some point when he was trying to lift her up, she moved her head forward, giving the impression that she was going to bite him. Det. Kashinsky lifted § 87(2)(b) off the ground and threw her into a

parked police vehicle. § 87(2)(b) stumbled forward and hit the side of the vehicle with her right hip, causing bruising and a fracture to her pelvis. Det. Kashinsky approached § 87(2)(b) took her by her upper arm, and walked her inside the stationhouse.

In the telephone statement to IAB on July 13, 2018, § 87(2)(b) (BR 10, BR 16, and BR 17) said that the incident occurred in front of the stationhouse. § 87(2)(b) stated that she asked Det. Kashinsky to have a female officer escort her to the stationhouse. Det. Kashinsky replied, “No, bitch.” He then grabbed § 87(2)(b) by her ribs and pulled her out of the vehicle. While walking to the stationhouse, Det. Kashinsky kept “tossing” § 87(2)(b) against cars and said that she was trying to bite him. § 87(2)(b) denied trying to bite Det. Kashinsky. § 87(2)(b) s FDNY pre-hospital care report (BR 04) documents that § 87(2)(b) complained the officers were “too rough” with her and that she was experiencing pain to both rib areas.

§ 87(2)(b) s medical records from § 87(2)(b) Hospital (BR 03) document that a CT-scan of § 87(2)(b) s abdomen pelvis was performed and revealed no evidence of acute abdominal and/or pelvic pathology. An x-ray of § 87(2)(b) s left rib was performed and it was negative for acute fractures.

The stationhouse video footage (BR 11) captures the front entrance of the 61st Precinct stationhouse and the front parking lot. There is no green fence. There are several metal barriers by the front entrance. The video depicts the rear (trunk/rear window) of a gray unmarked police vehicle in the top right corner. At the 00:05 minute mark, Det. Burton exits the vehicle and walks to the rear. The video only captures Det. Burton's body, below his waist. At the 00:09 minute mark, there is some commotion by the rear passenger side of the vehicle. § 87(2)(b) and Det. Kashinsky appear to move from the front passenger side of the vehicle to the rear and then back to the front, disappearing behind the car. It is unclear what is going. At the 00:17 minute mark, Det. Kashinsky walks § 87(2)(b) several feet away from the rear of the vehicle. § 87(2)(b) is rear-cuffed. She then turns sideways and takes four or five steps backwards. Det. Kashinsky is to her left. It is unclear where Det. Kashinsky is holding § 87(2)(b) as she moves backwards. It is also unclear if § 87(2)(b) is moving on her own or if Det. Kashinsky moves her. At the 00:20 minute mark, Det. Kashinsky pushes § 87(2)(b) against the trunk of the vehicle. Her back is against the vehicle. At the 00:30 minute mark, Det. Kashinsky turns § 87(2)(b) around while holding her by her arms. At the 00:33 minute mark, Det. Burton takes § 87(2)(b) by her left arm. The officers walk § 87(2)(b) to the stationhouse. § 87(2)(b) appears to resist by not walking, leaning backwards and then forward, and pulling away from the detectives. No other officers approach at any point.

Det. Kashinsky (BR 05) stated that Det. Burton parked in front the stationhouse. Det. Kashinsky opened the rear passenger door and asked § 87(2)(b) to exit, but she refused. Det. Kashinsky then took § 87(2)(b) by her arm and pulled her out. As Det. Kashinsky did so, § 87(2)(b) lunged forward and bit Det. Kashinsky in his left or right shoulder. She did not penetrate Det. Kashinsky's skin or cause any injury. Det. Kashinsky exclaimed, “Aaa... She bit me,” and simultaneously pushed § 87(2)(b) away to get her off his shoulder and to prevent her from biting him again. § 87(2)(b) stumbled backwards and hit the rear of their vehicle with the left or right side of her body. She did not fall to the ground. Det. Kashinsky denied using any other force against § 87(2)(b) Dt. Kashinsky and Det. Burton then took § 87(2)(b) by her upper arms and walked her to the stationhouse. § 87(2)(b) cursed and moved her body side-to-side, but did not resist otherwise. § 87(2)(b) complained of pain to her abdomen and requested medical attention at the front desk. EMS arrived and removed § 87(2)(b)

§ 87(2)(b) to § 87(2)(b) Hospital. Det. Kashinsky denied using any of the above alleged force against § 87(2)(b) and said that he only pushed her away to prevent her from further biting him. He denied saying to § 87(2)(b) “No, bitch, you are not getting what you are asking for.” Det. Burton denied making the alleged offensive remark to § 87(2)(b).

Det. Kashinsky’s TRI (BR 07) documents that he used a “forcible takedown” against § 87(2)(b) to defend himself and to overcome her resistance in front of the 61st Precinct stationhouse. Det. Kashinsky denied forcibly taking § 87(2)(b) to the ground and explained that the form does not have a check box to document him pushing her; thus, he used a “forcible takedown” instead to reflect the push.

Det. Burton (BR 06) also testified that he parked in front of the stationhouse. Det. Kashinsky exited the vehicle and went to remove § 87(2)(b). Det. Burton remained in the vehicle for approximately a minute getting a case file. Shortly afterwards, Det. Burton exited the vehicle and heard Det. Kashinsky yelled, “Aa. I cannot believe she bit me.” Det. Burton turned around and saw § 87(2)(b)’s wig on the ground. Det. Burton did not see § 87(2)(b) bite Det. Kashinsky nor what happened between them. Det. Burton did not see Det. Kashinsky use any of the alleged force against § 87(2)(b). Det. Burton did not hear Det. Kashinsky call § 87(2)(b) a “bitch,” or make any offensive remarks towards her.

Det. Burton’s TRI report (BR 09) documents that he used a “forcible takedown” against § 87(2)(b) in front of the stationhouse. Det. Burton denied using any force against § 87(2)(b) and said that he completed the report to document that force was used by Det. Kashinsky. Det. Kashinsky explained that § 87(2)(b) was not brought to the ground and that the form has no corresponding check box to document a “push,” thus he used “forcible takedown.”

The Investigating Supervisor’s Assessment Report (here in ISAR) (BR 18) prepared by Capt. Aaron Klein is consistent with Det. Kashinsky’s and Det. Burton’s account.

An officer must use only that force reasonably necessary to gain control of a subject or to effect an arrest. Patrol Guide Procedure 221-01 (BR 12)

§ 87(2)(b), § 87(2)(g)

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Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- Det. Scot Kashinsky has been a member of service for 10 years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A FOIL request was sent to the NYC Comptroller on June 17, 2019, for any Notice of Claim filed in regard to this incident. The results of the request will be added to the case file upon receipt.
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 4

Investigator: _____ _____ _____
 Signature Print Title & Name Date

Squad Leader: _____ _____ _____
 Signature Print Title & Name Date

Reviewer: _____ _____ _____
 Signature Print Title & Name Date